

Judge refuses to give council permission to evict gipsies

Travellers win legal battle to stay on site

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A HIGH Court judge has thrown out an application to evict a group of travellers, adding they have a "real prospect of success" at ultimately winning planning permission.

In April, travellers armed with around 1,500 tonnes of hardcore descended on green belt land in Chelmsford Road, Blackmore, and illegally moved 14 caravans onto the site.

Now, after a three-day High Court hearing and almost four months of deliberation, Mr Justice Staden has decided not to give the council permission to evict them.

He rejected the council's bid for an injunction, claiming the hardship faced by the gipsy families if they were evicted would outweigh the harm caused to the environment by their development.

He added the gipsies had been heavily influenced in their decision to pitch up in Blackmore by the fact that two other illegal mobile home developments nearby had gone unnoticed by the council.

Baby

Justice Staden added the decision taken by site owner Walter Ball and his fellow gipsies — Vanslow Ball, David Vinden, Thomas Loveridge, David Moss and Jabus Smith — to move on to the site without planning permission and without telling the council was taken because the wife of one of the travellers had been expecting a baby in two weeks, and the father-in-law of another was about to have an operation.

Giving his ruling on Thursday, he said: "The defendants are not in my judgement cynical or ruthless people who have set out to further their own ends in complete disregard for or lack of interest in the law."

"They set out with the best of intentions to comply with planning law and spent many months seeking a suitable site which was likely to get planning permission."

"They consulted and took advice from local planning officers and spent money on solicitors and planning



TOTALLY DISAGREE: Former planning chairman Cllr Keith Parker

CONTRVERSIAL DEVELOPMENT: The travellers' caravans in Chelmsford Road, Blackmore

consultants in an endeavour to find and acquire such a site.

"They were desperate to find a site where they and their families could settle down, both without danger and without breaking the law."

"They were also heavily influenced by the fact that, to their knowledge, the council had tolerated the presence of residential mobile homes not only on two neighbouring plots but on the very plot they had bought, for several years."

"They had not taken

proceedings to evict the occupiers even though there were enforcement notices outstanding and there had been prosecutions."

Giving them further hope for the future, the judge said: "In reaching my overall conclusion that it would not be proportionate to grant an injunction, I am fortified by my view that the defendants' planning appeal has a real prospect of success."

"It would in my view be to cause avoidable and unnecessary hardship as well as

disruption to order an injunction before the outcome of the appeal is known."

Former Brentwood council planning chairman Cllr Keith Parker said he totally disagreed with the verdict.

He said: "I am very disappointed that the courts are not upholding our rights to protect the green belt in our area."

"That makes me very disappointed. It really comes down to the fact that there is one law for one group and another for the rest of us. That cannot be right."

Timeline

■ April: Travellers arrive in Chelmsford Road with diggers and 10-tonne trucks at Easter, laying hardstanding and erecting pitches over the four-day weekend. They bought the land from a former traveller on Maundy Thursday.

■ April: Brentwood Borough Council refuses to grant retrospective planning permission for the pitches, a touring caravan, hardstanding, shed, oil tank and dog pen, throwing the planning application out.

■ April: Brentwood Borough Council appeals to the High Court for an injunction to evict the travellers from the green belt site.

■ June: A three-day hearing begins in the High Court. Mr Justice Staden needs to decide whether or not to grant Brentwood council permission to force the travellers off.

■ July: Travellers fighting for the right to stay on green belt land appeal against Brentwood council's decision to refuse them planning permission. They are confident the planning inspectors will overturn the decision.

■ October 6: A four-day planning appeal to determine whether six gipsy pitches can remain on land in Chelmsford Road begins at Brentwood Town Hall.

■ October 8: Brentwood council loses its legal fight as Mr Justice Staden refuses to grant an injunction which would force the gipsies to leave.

■ January 2010: The planning appeal will continue.

'We broke law, but we've had enough'

AT THE High Court hearing in June, one of the travellers, Thomas Loveridge, told the judge that he was "sorry" for breaking the law.

However, he said that after years of trying to find a place to live, he had reached the point where he was tired of his people being "shuffled".

He continued: "Bilby things you take for granted I've never had. A flushing toilet. A bath. I go to the local leisure centre to have a shower. My wife gets washed in a bowl."

"I understand what's going on, this is a big thing. But I don't personally think we are asking for the world. We just want to be left alone."

He blamed Brentwood council for failing to provide enough sites for gipsies, telling his lawyers: "If you had done what you were supposed to do in the first place, this wouldn't be a house tomorrow."

He continued: "I know I'm breaking the law. I'm sorry I've never had a criminal record, never done anything wrong in my life. It gets to the point though where we've tried to do it the right way and got shafted."

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Hopes rest on plans verdict

THE High Court's decision means residents opposed to the development in Blackmore can now only hope that planning permission for the six pitches on the three-acre piece of land will be rejected on appeal.

Last week a Government officer sat and listened to evidence for and against granting the 17 adults and 13 children who have pitched up in Chelmsford Road permanent permission to stay.

The appeal — made by the travellers after Brentwood Borough Council refused them permission to stay in April — was meant to last four days and finish on Friday.

However, it will now conclude in January — the earliest time available for representatives of both the travellers and Brentwood council to complete the hearing.

Residents' mixed reaction to news that gipsies will not be turfed off

NEWS that travellers cannot be evicted from their homes has sparked mixed reactions from their neighbours.

Speaking about the High Court's decision to throw out the eviction application, one 70-year-old Chelmsford Road resident said: "We don't want them here. It's not fair."

"Most people have to have planning permission but they don't."

However another said: "They are a nice bunch — their two girls go to school with my children and are beautifully turned out and their parents are lovely."

"They are just like us except they live in caravans."

"As long as they stay the way they are and the site doesn't get any bigger, I am happy."

"I'd rather have them as my neighbours than nasty people."

"There was a lot of fear to start with but I think that was just because of the way they arrived."

Alan Meadows, 75, who has lived in Chelmsford Road for the past 40 years, said: "I'd say live and let live. I can't see why there is so much fuss. They've got to live somewhere."

"We've got immigrants here, there and everywhere, but someone who is born here can't even find somewhere to live."

Another resident of Chelmsford Road said: "It's not about us and them, it's about what is acceptable and what is unacceptable in an area that has very strict rules and which should not be overturned — even for travellers."

"Brentwood council are dragging their feet over making a decision where travellers should go, and are causing unnecessary anxiety."